

AMENDED IN ASSEMBLY JUNE 8, 2004

AMENDED IN SENATE APRIL 13, 2004

SENATE BILL

No. 1749

Introduced by Senator Karnette

February 20, 2004

~~An act to add Section 42230.5 to, and to add Article 3 (commencing with Section 42250) to Chapter 5 of Part 3 of Division 30 of the Public Resources Code, relating to composting.~~ *An act to add Chapter 5.2 (commencing with Section 42250) to Part 3 of Division 30 of the Public Resources Code, relating to composting.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1749, as amended, Karnette. Composting.

Existing law requires the California Integrated Waste Management Board and specified state departments to undertake various actions related to compost.

This bill would require the board, *subject to available resources*, to ~~review biodegradable~~ *evaluate degradable and compostable* technologies and ~~compostable~~ *for food service products and bags, and* ~~coordinate by coordinating~~ *voluntary demonstrations and testing*, to determine the effectiveness of ~~using biodegradable degradable and compostable~~ *technologies and compostable for food service products and bags*, as specified. ~~The bill would require the board to publish a summary of the products and technologies and demonstrations, on its Web site on or before June 30, 2006, and by coordinating voluntary demonstrations and performance testing, to determine the designed use performance of those products and bags. The bill would require the board, subject to available resources, to summarize those evaluations, as specified.~~ The bill would ~~require~~ *authorize* the board to evaluate the

performance of using various ~~biodegradable~~ *degradable and compostable* technologies ~~and for compostable food service products and bags in simulated litter environments, and to publish the evaluation on its Web site on or before June 30, 2006.~~ The *bill would require the board to publish its testing methodology, evaluations, and summaries, on it Web site on or before June 30, 2007, and to make recommendations to the Department of General Services for standards for degradable and compostable food service products and bags.*

The bill would define terms and make legislative findings and declarations.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The California Integrated Waste Management Act of 1989
- 4 (Division 30 (commencing with Section 40000) of the Public
- 5 Resources Code) generally requires cities and counties to reduce
- 6 the amount of material disposed in landfills in California by 50
- 7 percent by 2000.
- 8 (b) Organic waste represents over 35 percent of the material
- 9 disposed in landfills in California.
- 10 (c) Composting is a common practice for many types of organic
- 11 materials.
- 12 (d) A significant amount of food waste is not composted due to
- 13 the high cost of removing and separating food service products
- 14 from food waste.
- 15 (e) If food service products were compostable, costs would be
- 16 reduced and more food waste could be economically composted.
- 17 This would help cities and counties to achieve and maintain their
- 18 diversion goals.
- 19 (f) *Plastic bags can be a significant contaminant in yard and*
- 20 *landscape waste composting operations.*
- 21 (g) *If yard waste collection bags were compostable, costs*
- 22 *would be reduced and more yard waste could be economically*
- 23 *composted. This would also help cities and counties to achieve and*
- 24 *maintain their diversion goals.*



(h) Litter is more than a visual blight. It is a significant contributor to the contamination of land and water, and poses a threat to state wildlife, public health, and public safety.

~~(g)–~~

(i) Reduction of litter is an integral part of local governments' ability to comply with their trash total maximum daily load permits.

~~SEC. 2. Section 42230.5 is added to the Public Resources Code, to read:~~

~~42230.5. "Biodegradable product" or "compostable product" means a product that meets ASTM Specifications 6400 and 6868.~~

~~SEC. 3. Article 3 (commencing with Section 42250) is added to Chapter 5 of Part 3 of Division 30 of the Public Resources Code, to read:~~

~~Article 3. Biodegradable Technologies and Compostable Products~~

~~42250. (a) (1) The board shall review biodegradable technologies and compostable food service products and bags, and coordinate voluntary demonstrations and testing to determine the effectiveness of using biodegradable technologies and compostable food service products and bags.~~

~~(2) The board shall pursue agreements with interested private and public partners to fund and coordinate the voluntary demonstrations and testing.~~

~~(b) (1) The board shall summarize the biodegradable technologies and use of compostable food service products and bags, and the voluntary demonstrations, including the performance of various food service products and bags; cost information; toxicity, including heavy metals; and estimated potential diversion from landfills in the state if those products and technologies are used.~~

~~(2) The board shall publish the summary on its Web site on or before June 30, 2006.~~

~~42251. The board shall evaluate the performance of using various biodegradable technologies and compostable food service products and bags in simulated litter environments. The board~~

1 ~~shall publish the evaluation on its Web site on or before June 30,~~
2 ~~2006; permit requirements.~~

3 SEC. 2. Chapter 5.2 (commencing with Section 42250) is
4 added to Part 3 of Division 30 of the Public Resources Code, to
5 read:

6
7 CHAPTER 5.2. DEGRADABLE AND COMPOSTABLE PRODUCTS

8
9 42250. Unless the context requires otherwise, the following
10 definitions govern this chapter:

11 (a) "ASTM standard specifications" means ASTM 6400-99,
12 which is the standard specification for compostable plastics, and
13 ASTM 6868-03, which is the standard specification for
14 biodegradable plastics used as coatings on paper and other
15 compostable substances, and includes any revisions to either of
16 those specifications.

17 (b) "Compostable product" means a product designed to
18 undergo degradation by biological processes during composting,
19 to yield carbon dioxide, water, inorganic compounds, and
20 biomass, at a rate that is consistent with timeframes of standard
21 composting industry practices, and leave no distinguishable or
22 toxic residue.

23 (c) "Degradable product" means a product that meets both of
24 the following requirements:

25 (1) The product is designed to undergo degradation under
26 specified conditions including, but not limited to, biodegradation,
27 photodegradation, or a combination of oxidation and
28 biodegradation, as defined by the American Society of Testing
29 Materials (ASTM).

30 (2) The degradation of the product, as attested by the
31 manufacturer or an independent laboratory, does not produce or
32 result in a residue or byproduct, that, during or after the process
33 of degrading, would be a hazardous or extremely hazardous waste,
34 identified pursuant to Chapter 6.5 (commencing with Section
35 25100) of Division 20 of the Health and Safety Code.

36 (d) "Designed use" means the purpose for which the product
37 is intended to be used before its disposal.

38 42251. To encourage diversion of organic material, including
39 food and green waste, from the state's landfills, as well as to reduce
40 the environmental impact of litter as a threat to wildlife and public

1 *health and safety, appropriate degradable and compostable*
2 *products and technologies need to be evaluated.*

3 *42252. (a) The board shall evaluate degradable and*
4 *compostable technologies for food service products and bags, as*
5 *follows:*

6 *(1) Coordinate voluntary demonstrations and testing, to*
7 *determine the effectiveness, including degradation rates, of*
8 *degradable and compostable technologies for food service*
9 *products and bags, in a variety of composting environments. The*
10 *demonstrations and testing shall be consistent with the processes*
11 *and protocols used in the ASTM standard specifications or other*
12 *appropriate independent scientific testing and methods.*

13 *(2) Coordinate voluntary demonstrations and performance*
14 *testing, to determine the designed use performance of a variety of*
15 *compostable food service products and bags.*

16 *(b) The board shall summarize the degradable and*
17 *compostable technologies for food service products and bags, and*
18 *the voluntary demonstrations and testing, including designed use*
19 *performance and degradation rates of various food service*
20 *products and bags; cost information; residuals; toxicity, including*
21 *heavy metals; and estimated potential diversion from landfills in*
22 *the state, if those technologies and products are used.*

23 *(c) The board may evaluate the performance of using various*
24 *degradable and compostable technologies for food service*
25 *products and bags in simulated litter environments.*

26 *(d) (1) The board shall pursue agreements with interested*
27 *private and public partners to fund and coordinate the voluntary*
28 *demonstrations and testing.*

29 *(2) The evaluations and summaries required pursuant to*
30 *subdivisions (a), (b), and (c), are subject to available resources.*

31 *42253. On or before June 30, 2007, the board shall publish the*
32 *testing methodology used pursuant to Section 42252 and the*
33 *evaluations and summaries made pursuant to Section 42252 on its*
34 *Web site.*

35 *42254. The board shall make recommendations to the*
36 *Department of General Services for standards for degradable and*
37 *compostable food service products and bags.*

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